



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

v.

Jesus FELIX-Lopez (1)

Carmen GARCIA (2)

Defendants.

Magistrate Case No.:

'08 MJ 84 89

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance  
(Felony)

The undersigned complainant being duly sworn states:

On May 30, 2008, within the Southern District of California, defendants Jesus FELIX-Lopez and Carmen GARCIA did knowingly and intentionally import approximately 39.62 kilograms (87.16 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

  
Cole Dotson, Special Agent  
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2ND,  
DAY OF JUNE 2008.

  
PETER C. LEWIS  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

I, Special Agent Cole Dotson, declare under penalty of perjury, the following is true and correct:

On May 30, 2008, at approximately 2150 hours, Jesus FELIX-Lopez and Carmen GARCIA entered the United States at the Calexico, California, West Port of Entry. FELIX was driver and registered owner of a 2000 Jeep Grand Cherokee, bearing California license plate 5TCE046. GARCIA was passenger of said vehicle.

In pre-primary, Customs and Border Protection Officer (CBPO) E. Leon utilizing a canine was conducting vehicle inspections. The canine alerted to the rear area of the Jeep. CBPO Leon referred FELIX, GARCIA, and the vehicle to the secondary lot for closer examination.

In the vehicle secondary lot, a subsequent inspection of the vehicle by CBPO H. Flores revealed 36 packages concealed in the gas tank. CBPO Flores probed one of the packages and a sample of white powdery substance was obtained. The sample field-tested positive for cocaine. The 36 packages had a combined net weight of approximately 39.62 kilograms (87.16 pounds).

FELIX and GARCIA were each placed under arrest and each were separately advised his/her Rights, per Miranda. During each interview, both FELIX and GARCIA acknowledged his/her rights, waived his/her rights, and agreed to answer questions.

During the FELIX interview, FELIX stated that he thought the vehicle contained marijuana. FELIX stated that he was to be paid \$4,000.00 to take the vehicle to Los Angeles, CA.

During the GARCIA interview, GARCIA stated she suspected there might be drugs in the vehicle. GARCIA has accompanied FELIX approximately eight previous times where FELIX would drive to Mexicali, Mexico, exchange vehicles, and drive back across the border into the United States. GARCIA stated that she started to suspect FELIX was crossing drugs approximately the third time they crossed the border together. GARCIA stated that she believed FELIX was "using" her because it is less

1 suspicious crossing the border as a male-female couple than a single male crossing the  
2 border. Moreover, GARCIA stated that she noticed FELIX would become "nervous"  
3 every time they crossed the border into the United States. Nevertheless, GARCIA  
4 denied direct knowledge of drugs in the vehicle.

5  
6 Executed on May 31, 2008 at 1200 hours.

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9   
10 Special Agent Cole Dotson,  
Immigration and Customs Enforcement

11 On the basis of the facts presented in this probable cause statement consisting  
12 of two page(s), I find probable cause to believe that the defendant(s) named in this  
13 statement committed the offence on May 30, 2008 in violation of Title 21, United States  
14 Code, Section(s) 952 and 960.

15   
16 The Honorable Leo S. Papas  
United States Magistrate Judge

5/31/08 - 821 AM

Date/Time